
















EXHIBIT A





EXHIBIT A**1. Designs That Are Not Used On Similar Products**

Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
1-2	80 91	3,722,198 6,245,626	<p>https://www.blenderbottle.com/</p>  <p>The designs in the registrations attached as Exhibits 80 and 91 of the Maupin Declaration resemble balls and appear in commerce on Blender Bottle products. The use of the ball design is on a different product, as Blender Bottles are shaker cups, not blenders. In any event, the designs are used in combination with the words “Blender Bottle” in the marketplace and are distinguishable from the Blendtec Marks.</p>	
3-4	83 84	5,620,499 5,923,915	<p>https://www.kenmore.com/ovation/</p> 	<p>OVATION</p> 





Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
			 <p>The Ovation designs are used in the marketplace on mixers, not on blenders. The designs appear inside the word “ovation.” As such, the marketplace use of the designs is not similar to the Blendtec Marks and they are not used on similar products.</p>	
5	86	5,842,947	<p>https://peanutbutler.com/</p>   <p>The Peanut Butler design is used in the marketplace with mixing hooks that are used to mix peanut butter. The hooks are used in mixers, not blenders, and are only compatible with certain types of mixers. This design mark also uses the letters “PB” and the words “Peanut Butler.” Because the design mark is easily distinguishable</p>	



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			from the Blendtec Marks and because it is used on a completely different product, the use of this mark is not similar to the use of the Blendtec Marks.	
6	87	5,842,947	<p>https://www.porifera.com/juice</p>   <p>The Porifera design logo is not used in the marketplace on blenders. It is used on industrial-type machines that make juice concentrates. In addition, the design is used in combination with the word “Porifera.” This marketplace use is not similar to the marketplace use of the Blendtec Marks.</p>	
7	88	6,749,656	<p>https://www.vinoflux.ch/index_en.html</p> 	

Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
			The VinoFlux design is not used in the marketplace on blenders. It is used in wine finishing services. In addition, the design is used in combination with the word “VinoFlux.” This marketplace use is not similar to the marketplace use of the Blendtec Marks.	
8	93	7,254,146	<p>https://www.sunmixusa.com/evo-line-sunmix-usa</p>   <p>The Sunmix design is not used on a blender. It is used on a dough mixer. It also appears immediately next to the word “Sunmix.”</p>	
9	94	7,416,500	<p>https://babymoov.us</p> 	





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			 <p>The Baby Moov design is not used on a blender. It is used on a baby food maker.</p>	
10	95	7,855,480	<p>https://flacktet.com</p>   <p>The FlackTek design is not used on blenders. It is used on industrial mixers for R&D, formulation, lab screening, QA testing, and specialty production. In addition, this design is used in connection with the “FlackTek” mark.</p>	


2. Designs That Do Not Appear to Be Used on Products in the Marketplace

Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
11	85	5,923,479	<p>None</p> <p>I have been unable to find any use of this design in the marketplace. Even assuming this design mark were actually being used in the marketplace and on blenders, the design does not resemble Blendtec's Swirl design and the words "Stay Fresh Vacuum Technology" distinguish it from Blendtec's Marks.</p>	
12	89	6,189,207	<p>https://www.nutribullet.com/magic-bullet/juicers/magic-bullet/</p>   <p>This design does not appear to be in use on the magic bullet mini product or on the magic bullet website. In any event, because the design in the registration includes the words "magic bullet mini" it is easily distinguishable from the Blendtec Marks.</p>	
13	90		<p>https://us.amazon.com/Portable-Jovokich-Smoothies-Extractor-Rechargeable/dp/B08BYMGDCW</p>	<p>Jovokich</p>

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			 <p>I could only find a product with this design on Amazon, and it states that it is “currently unavailable.” To the extent this design is still in use in the marketplace, it is used inside the word “Jovokich.” As such, this use is easily distinguishable from the Blendtec Marks.</p>	
14	92		<p>https://evoloop-home.com</p>  <p>Although I was able to find a few pictures of the evoloop design on blenders on the internet, I was unable to find an evoloop blender that is currently for sale. It appears that evoloop has likely discontinued this item. In any event, the design is inside the word “evoloop.” As such, to the extent it is available, use of the design is easily distinguishable from the Blendtec Marks.</p>	evoloop

3. Designs Used on Similar Products Available in the Marketplace

Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
15	81	3,901,615	<p>https://www.vitamix.com/</p>  <p>The Vitamix design logo is not a swirl. It resembles blades in a circular form and it appears immediately next to the word “Vitamix.” Because the design is used immediately adjacent to “Vitamix,” this use is easily distinguishable from the Blendtec Marks.</p>	
16	82	4,406,665	<p>www.yonanas.com</p> 	

Design No.	Maupin Exh. No.	USPTO Reg. No.	Actual Use of the Design in the Marketplace	Design Mark on USPTO Registration
			 <p data-bbox="613 856 1177 997">The Yonanas design is used inside the word “yonanas” in the marketplace. Thus, the use of this design in the marketplace is easily distinguishable from the Blendtec Marks.</p>	